

Message Text

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ORIGIN EB-08

INFO OCT-01 EUR-12 EA-09 ISO-00 L-03 JUSE-00 AID-05
CEA-01 CIAE-00 COME-00 FRB-01 INR-07 IO-14 NEA-10
NSAE-00 USIA-15 OPIC-06 SP-02 TRSE-00 LAB-04
SIL-01 AGRE-00 OMB-01 SS-15 /115 R

DRAFTED BY EB/IFD/BP:TASCHLENKER:VJW
APPROVED BY EB/IFD/BP:HJWINTER
L/EB - PTRIMBLE
EUR/CE - JJHURLEY
EA/J - HCOCHRAN
JUSTICE - WKANANACK

-----014330 070443Z /10

R 061324Z AUG 77
FM SECSTATE WASHDC
TO AMEMBASSY BERN
AMEMBASSY TOKYO
INFO AMEMBASSY PARIS

UNCLAS STATE 185031

USOECD

E.O. 11652: N/A

TAGS: ETRD, JA, SZ

SUBJECT: ANTITRUST: CATERPILLAR-MITSUBISHI JOINT VENTURE

1. DEPARTMENT HAS BEEN INFORMED BY DEPARTMENT OF JUSTICE (DOJ) THAT QUOTE: THE ANTITRUST DIVISION IS CONDUCTING AN INVESTIGATION INTO POSSIBLE ANTICOMPETITIVE PRACTICES BETWEEN MANUFACTURERS OF HEAVY EARTH MOVING AND CONSTRUCTION MACHINERY AND RELATED EQUIPMENT.

2. QUOTE: CATERPILLAR TRACTOR CO., A UNITED STATES
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CORPORATION, THROUGH ITS WHOLLY-OWNED SWISS SUBSIDIARY, CATERPILLAR OVERSEAS S.A., FORMED A JOINT VENTURE WITH MITSUBISHI HEAVY-INDUSTRIES, REORGANIZED, LTD., A JAPANESE COMPANY. BOTH CATERPILLAR AND MITSUBISHI HAVE 50 PERCENT OWNERSHIP INTERESTS IN CATERPILLAR-MITSUBISHI, LTD., THE JOINT COMPANY. IT IS OUR BELIEF THAT THERE IS AN AGREEMENT BETWEEN OVERSEAS AND MITSUBISHI WHICH MAY RESTRICT IMPORTS

INTO THE UNITED STATES. IT IS ALSO OUR BELIEF THAT THERE IS AN AGREEMENT BETWEEN CATERPILLAR AND CATERPILLAR-MITSUBISHI WHICH MAY BE OVERBROAD IN ITS PROTECTION OF PATENTS, TRADE SECRETS AND/OR KNOW-HOW. THESE AGREEMENTS COULD, IF CONFIRMED, VIOLATE SECTION 1 OF THE SHERMAN ACT AND/OR SECTION 73 OF THE WILSON TARIFF ACT.

3. QUOTE: WE PROPOSE TO SEND LETTERS REQUESTING THE VOLUNTARY SUBMISSION OF DOCUMENTS TO EACH OF THE INVOLVED FIRMS. HOWEVER, AS TO CATERPILLAR AND ITS SWISS SUBSIDIARY, WE INTEND ONLY TO SEND A LETTER TO THE PARENT CORPORATION. UNQUOTE. DOJ HAS BEEN IN CONTACT WITH BOTH MITSUBISHI AND CATERPILLAR, WHO HAVE INDICATED THAT THEY ARE WILLING TO COOPERATE WITH THIS INVESTIGATION.

4. ADDRESSEES ARE REQUESTED TO INFORM HOST GOVERNMENTS OF THIS IMPENDING ACTION UNDER THE OECD 1967 RECOMMENDATION AND REPORT ANY REACTION. CHRISTOPHER

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ANTITRUST, CONSTRUCTION EQUIPMENT, JOINT VENTURES
Control Number: n/a
Copy: SINGLE
Sent Date: 06-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE185031
Document Source: CORE
Document Unique ID: 00
Drafter: TASCHLENKER:VJW
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770283-0954
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770889/aaaacxed.tel
Line Count: 80
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: 7def5160-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: UNCLASSIFIED
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Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 19-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1684759
Secure: OPEN
Status: NATIVE
Subject: ANTITRUST: CATERPILLAR-MITSUBISHI JOINT VENTURE
TAGS: ETRD, JA, SZ, US, MITSUBISHI, CATERPILLAR TRACTOR CO
To: BERN TOKYO MULTIPLE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/7def5160-c288-dd11-92da-001cc4696bcc
Review Markings:
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